

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROGER T. BAIRD, JEFFREY C. BAIRD,
and TIMOTHY P. BLAIR

Appeal 2007-0272
Application 10/024,964
Technology Center 2100

Decided: March 30, 2007

Before HOWARD B. BLANKENSHIP, ALLEN R. MACDONALD, and
ST. JOHN COURTENAY III, *Administrative Patent Judges*.

COURTENAY, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1, 2, 5, 7-11, 14-18, and 21-26. Claims 3, 4, 6, 12, 13, 19, and 20 have been canceled.

THE INVENTION

The disclosed invention relates to methods and systems that authorize the distribution and/or display of information based on the authorization privileges of the user or system requesting the information (Specification 1).

Representative claim 1 is illustrative:

1. A method comprising:

receiving a request for a document;

identifying a source of the request;

determining an authorization level associated with the source of the request;

determining an authorization level required to view the requested document;

if the source of the request is authorized to view the entire requested document, transmitting the requested document to the source of the request; and

if the source of the request is not authorized to view the entire requested document, redacting unauthorized portions of the requested document by visually blurring the unauthorized portions and transmitting the redacted version of the requested document to the source of the request.

THE REFERENCE

The Examiner relies upon the following reference as evidence of anticipation:

Brown

US 6,892,201 B2

May 10, 2005

THE REJECTION

The following rejection is on appeal before us:

1. Claims 1, 2, 5-11, 14-18, and 21-26 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Brown.

Rather than repeat the arguments of Appellants or the Examiner, we make reference to the Briefs and the Answer for the respective details thereof.

OPINION

Only those arguments actually made by Appellants have been considered in this decision. It is our view, after consideration of the record before us, that the evidence relied upon supports the Examiner's rejection of the claims on appeal. Accordingly, we affirm.

Independent Claims 1 and 17

We consider first the Examiner's rejection of independent claims 1 and 17 as being anticipated by Brown.

Appellants argue Brown does not disclose the following limitations:
redacting unauthorized portions of the requested document by
visually blurring the unauthorized portions and *transmitting* the
redacted version of the requested document to the *source of the
request*.

(Claim 1, emphasis added).

Appellants argue an artisan would not consider the above claim language as broadly encompassing using a web browser to display a [redacted] document to a user, as interpreted by the Examiner in the Answer.

Appellants assert merely *displaying* a document in a web browser is not the same as *transmitting* the image to the user. Appellants conclude the Examiner's interpretation of the recited term "transmitting" is contrary to the plain and ordinary meaning of the term as understood by persons of ordinary skill in the art (Br. 7-9).

The Examiner disagrees. The Examiner, as finder of fact, maintains the language of the claim *reads on* the Brown reference. In particular, the Examiner finds that once the "Access Rights Information" [ARI] plugin 630 (of the client web browser) performs redaction, the redacted data is *transmitted* to the client output device (i.e., display) via a graphics adapter or audio/video adapter (Fig. 6, *see* "Client Output Devices(s) 640," *see also* Fig. 3, col. 9, ll. 61-63). Thus, the Examiner finds Brown discloses *transmitting* a redacted document (as generated by "ARI plugin 630") from the web browser via a graphics adapter to a display for viewing by the user, where the user corresponds to the recited "source of the request" (Answer 4-5).

In the Reply Brief, Appellants argue the recited "transmitting" is not merely displaying information on a monitor. Appellants argue the Examiner has failed to consider the claim as a whole (Reply Br. 2).

In rejecting claims under 35 U.S.C. § 102, a single prior art reference that discloses, either expressly or inherently, each limitation of a claim invalidates that claim by anticipation. *Perricone v. Medicis Pharmaceutical Corp.*, 432 F.3d 1368, 1375-76, 77 USPQ2d 1321, 1325-26 (Fed. Cir. 2005), citing *Minn. Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 1565, 24 USPQ2d 1321, 1326 (Fed. Cir. 1992). Anticipation

of a patent claim requires a finding that the claim at issue “reads on” a prior art reference. *Atlas Powder Co. v. IRECO, Inc.*, 190 F.3d 1342, 1346, 51 USPQ2d 1943, 1945 (Fed Cir. 1999) (“In other words, if granting patent protection on the disputed claim would allow the patentee to exclude the public from practicing the prior art, then that claim is anticipated, regardless of whether it also covers subject matter not in the prior art.”) (internal citations omitted).

After carefully considering the evidence before us, we agree with the Examiner that the language of the claim broadly but reasonably *reads on* Brown’s redacted document that is *transmitted* from the web browser to an output device for viewing by the user, where the user corresponds to the source of the request. We find Brown explicitly discloses blurring (i.e., “redacting”) the image (col. 7, l. 67). We further find Brown *transmits* the processed (i.e., redacted) image from the web browser (via a graphics adapter) to a display device for viewing by the user (col. 9, ll. 61-63).

We note the claim broadly recites the term “source of the request” in five separate places (Claim 1). We agree with the Examiner that the claimed “source of the request” broadly but reasonably *reads on* a user who makes a request for a document and later views the document on a display in redacted form. Thus, we find Brown discloses both electrical and optical transmission of the redacted document to the *source of the request* (i.e., the user). We note the broad language of the claim places no limit on the type (or medium) of transmission.

Appellants have imputed by argument that the claim, when interpreted as a whole, requires a *server* to perform the transmission. We disagree. We

Appeal 2006-0272
Application 10/024,964

note a “server” is not claimed. Furthermore, the broad language of the claim does not specify what entity (e.g., client or server or anything else) performs the step of “determining an authorization level associated with the source of the request,” and “determining an authorization level required to view the requested document” (Claim 1). We note that patentability is based upon the claims. “It is the claims that measure the invention.” *SRI Int’l v. Matsushita Elec. Corp. of America*, 775 F.2d 1107, 1121, 227 USPQ 577, 585 (Fed. Cir. 1985) (*en banc*). A basic canon of claim construction is that one may not read a limitation into a claim from the written description. *Renishaw plc v. Marposs Societa’ per Azioni*, 158 F.3d 1243, 1248, 48 USPQ2d 1117, 1120 (Fed. Cir. 1998). In the instant case, because we find Brown discloses all that is claimed, we will sustain the Examiner’s rejection of representative claim 1 as being anticipated by Brown. Because independent claim 17 recites language equivalent to the language of claim 1, we will also sustain the Examiner’s rejection of claim 17 as being anticipated by Brown for the same reasons discussed *supra* with respect to claim 1.

Claims 2, 5, 7-9, 18, 21-24, and 26

Appellants have not presented any substantive arguments directed separately to the patentability of dependent claims 2, 5, 7-9, 18, 21-24, and 26. In the absence of a separate argument with respect to the dependent claims, those claims stand or fall with the representative independent claim. *See In re Young*, 927 F.2d 588, 590, 18 USPQ2d 1089, 1091 (Fed. Cir. 1991). *See also* 37 C.F.R. § 41.37(c)(1)(vii). Therefore, we will sustain the Examiner’s rejection of these claims as being anticipated by Brown for the

same reasons discussed *supra* with respect to independent claims 1 and 17, respectively.

Independent claim 10

We consider next the Examiner's rejection of independent claim 10 as being anticipated by Brown.

Appellants argue Brown does not teach: (1) "receiving a document," (2) "determining an authorization level required to view the complete received document," and (3) "determining an authorization level associated with a current user," as claimed. In particular, Appellants argue Brown's web browser, which "receives" the document, does not "determine an authorization level" required to view the complete document or the current user because the determination *has already been made by Brown's server* (Br. 12, emphasis in original).

The Examiner disagrees. The Examiner argues that user access right information (ARI) received from Brown's server is used in combination with ARI tag(s) and the ARI plugin application (i.e., on the client side) to determine whether a user may be granted the access requested (Answer 6).

We note Appellants have admitted in their argument that Brown discloses "receiving a document" (*see* Br. 12, ¶1, l. 4). We find Appellants' argument misplaced that Brown's web browser (i.e., client) does not determine an authorization level. We note the broad language of the claim does not specify what entity (e.g., client or server or anything else) performs the steps of: "determining an authorization level required to view the complete received document," and "determining an authorization level associated with a current user" (Claim 10). In particular, we find the broad

language of the claim does not preclude determining an authorization level at a location separate from the location of the received document.

Therefore, we find the language of the claim broadly but reasonably *reads on* the Brown reference regardless of whether Brown performs authorization on the client or the server, or some combination of both. Accordingly, we will sustain the Examiner's rejection of representative claim 10 as being anticipated by Brown.

Claims 11, 14-16, and 25

Appellants have not presented any substantive arguments directed separately to the patentability of dependent claims 11, 14-16, and 25. In the absence of a separate argument with respect to the dependent claims, those claims stand or fall with the representative independent claim. *See In re Young*, 927 F.2d at 590, 18 USPQ2d at 1091. *See also* 37 C.F.R. § 41.37(c)(1)(vii). Therefore, we will sustain the Examiner's rejection of these claims as being anticipated by Brown for the same reasons discussed *supra* with respect to independent claim 10.

OTHER ISSUES

Should there be further prosecution, the Examiner's attention is directed to the extremely broad language of independent claims 1 and 10 where any entity (e.g., machine or person) may perform the recited steps of the method. If granted patented status, it might be argued the sweeping language of claims 1 and 10 would amount to a *preemption* of all possible means of performing the steps of the method. Thus, it might also be argued

Appeal 2006-0272
Application 10/024,964

that the claims are directed to the broad “abstract idea” of redacting documents (according to authorization levels associated with viewers) because the sweeping language of the claims covers any and every possible manner of performing the steps. One may not patent every “substantial practical application” of an idea or algorithm because such a patent “in practical effect would be a patent on the [abstract idea] itself.” *Gottschalk v. Benson*, 409 U.S. 63, 71-72, 175 USPQ 673, 676 (1972).

DECISION

In summary, we have sustained the Examiner’s rejection of all claims on appeal. Therefore, the decision of the Examiner rejecting claims 1, 2, 5, 7-11, 14-18, and 21-26 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED.

tdl/ce

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